

SENATE BILL 1038
By Fowler

AN ACT to amend Tennessee Code Annotated, Title 62 and Title 68.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 62-38-204, is amended by deleting the first sentence of subsection (c) and by substituting instead the following language:

Any person desiring to engage in the practice of tattooing shall submit an application to the department of health or its designee. Such application, or renewal of application, shall contain an affidavit, under the penalty of perjury, stating that it is complete and accurate and contains all information required pursuant to this section.

SECTION 2. Tennessee Code Annotated, Section 62-38-204, is amended by deleting subsection (e) in its entirety and by substituting instead the following language:

(e)

(1) Except as provided in subdivision (2), each tattoo operator or tattoo artist shall, before receiving a permit to operate a tattoo establishment or to apply a tattoo, undergo a training program to include:

(A) The alliance of professional tattooist course in sterilization;

(B) A local or state health department program;

(C) A course approved by the local health department in methods and techniques for the proper sterilization of instruments and materials used in tattooing; or

(D) Present acceptable evidence of having satisfactorily completed a course of instruction in sterilization techniques and methods from a college/medical sterilization course.

Such training shall be stated on an application for licensure, or renewal, pursuant to the provisions of subsection (c).

(2) If engaged in cosmetic tattooing, each tattoo operator or tattoo artist shall, before receiving a permit to operate a tattoo establishment or to apply a tattoo, undergo an annual training program to include the successful completion of one (1) of the following:

(A) The alliance of professional tattooist course in sterilization;

(B) A local or state health department program;

(C) A course approved by the local health department in methods and techniques for the proper sterilization of instruments and materials used in tattooing; or

(D) Present acceptable evidence of having satisfactorily completed a course of instruction in sterilization techniques and methods from a college/medical sterilization course.

Such annual training shall be stated on an application for licensure, or renewal, pursuant to the provisions of subsection (c).

SECTION 3. Tennessee Code Annotated, Section 62-38-204, is amended by adding the following language to the end of subsection (g):

Such training shall be stated on the application for licensure, or renewal, pursuant to the provisions of subsection (c).

SECTION 4. Tennessee Code Annotated, Section 62-38-204, is amended by adding the following language as new, appropriately designated subsections:

(m) As used in this section, "cosmetic tattooing" means the placing of insoluble, inert pigment granules under the skin for cosmetic and/or reconstructive enhancement and includes, but is not limited to, permanent make-up such as eyeliner, lipliner and brow pigmentation as well as camouflaging scar tissue, burns, skin discoloration and augmenting or defining the areola.

(n)

(1) No person holding an apprentice, or temporary, artist license shall engage in cosmetic tattooing unless under the direct supervision and physical assistance of a fully licensed tattoo artist qualified pursuant to the provisions of this section.

(2) A violation of this subsection is a Class C misdemeanor.

SECTION 5. In accordance with §62-38-210(b), no provision of this act shall be construed or interpreted as applying to any physician or any person under the supervision of a physician who is licensed to practice medicine in this state.

SECTION 6. This act shall take effect July 1, 2002, the public welfare requiring it, and shall apply to all licenses and permits issued or renewed on or after such date.